



**Homeland  
Security**

Science and Technology

June 18, 2013

Shawn Musgrave  
MuckRock News  
DEPT MR 2014  
PO Box 55819  
Boston, Massachusetts 02205

**RE: 2013-STFO-09**

Dear Mr. Musgrave:

This is in further response of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Science and Technology Directorate (S&T) dated October 16, 2012, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on May 17, 2013. Specifically, you requested the following: 1) any requests for proposals, proposals submitted by vendors, contracts, budgets or cost allocations for the purchase and/or use of aerial drones, UAs, UAVs and UASs; 2) any policies, guidelines, manuals and/or instructions on department use of drones including on the legal process required such as a warrant or court order, if any, before operating a drone; 3) any departmental records concerning this departments use of drones now or plans to use drones in the future; a) any departmental records concerning this departments use of drones now or plans to use drones in the future including; b) policies, guidelines, manuals and/or instructions on storage requirements or procedures for video static images obtained through use of drones, including retention time; c) records concerning the altitude at which drones can or do fly; and d) records concerning drones ability to carry weapons.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As the subject matter of your request is of substantial interest to two or more components of this Department or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that MuckRock News is entitled to a blanket waiver of fees. The fee waiver determination is also based upon a sampling of the responsive documents received from the S&T program office as a result of the searches conducted in response to your FOIA request.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your October 16, 2012 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient your request fails to meet factors 3,4,5, and 6. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requestors. As a non-commercial requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

You have the right to appeal the determination to deny your fee waiver request. Should you wish to do so, you must send your appeal within 60 days of the date of this letter to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in Subpart A, Section 5.9, of the DHS Regulations. Your envelope and letter should be marked "Freedom of Information Act Appeal." The implementing Department regulations establish the criteria under which the FOIA is administered. Copies of the FOIA and regulations are available at [www.DHS.gov](http://www.DHS.gov).

Your request has been assigned reference number **2013-STFO-09**. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at [stfoia@hq.dhs.gov](mailto:stfoia@hq.dhs.gov) or (202) 254-6342.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katrina Hagan', with a long horizontal flourish extending to the right.

Katrina Hagan  
FOIA Officer